



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION
100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for October 13, 2016

100 Cambridge Street, Boston, MA, 1:00 p.m.

Members in Attendance:

Vandana Rao - Chair	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Linda Balzotti	Designee, Department of Housing and Community Development (DHCD)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Douglas Fine	Designee, Department of Environmental Protection (MassDEP)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Thomas Cambareri	Public Member
Raymond Jack	Public Member
Paul Matthews	Public Member
Kenneth Weismantel	Public Member

Members Absent

Todd Richards	Designee, Department of Fish and Game (DFG)
Bob Zimmerman	Public Member

Others in Attendance:

Gabby Queenan	Massachusetts Rivers Alliance
Becky Weidman	DEP
Jennifer Sulla	EEA
Vicki Zoltay	DCR
Sara Cohen	DCR
Marilyn McCrory	DCR
Michele Drury	DCR

Rao called the meeting to order at 1:10 p.m.

Agenda Item #1: Executive Director's Report

- Drought Update
 - Drought conditions have worsened over last month.
 - Drought Management Task Force (DMTF) recommended last week 4 regions be classified at Warning level (stage 4 of 5): NE, SE, Central, and CT River Valley regions. The Western region and Cape Cod and the Islands were recommended for Watch level (stage 3).
 - State providing coordination and technical assistance to water suppliers, agricultural users, and other groups requesting assistance.
 - EEA has a drought-specific web page, www.mass.gov/eea/drought, as an umbrella resource with links to other agency pages.
 - DAR drought page addresses agricultural needs and funding assistance.
 - DEP drought page focuses on needs and resources for public water systems. DEP also sent letter to all public water systems and Water Management Act permittees offering

- technical assistance for drought response and running twitter campaign on water conservation awareness with 5,500 followers; near daily tweets until drought ends.
- DCR Office of Water Resources closely monitors conditions to inform DMTF decision-making and has DMTF web page with lots of associated data.
- Recap of the Northeast Regional Drought Outlook Forum, held October 11, 2016
 - Event was hosted by NOAA for MA, NY, CT, NH, ME, RI to discuss drought-related data and decision-making protocols.
 - NWS, NOAA, USDA offered forecasts and info on available programs and resources.
 - It was useful to interact with neighboring states. Many states have drought plans developed in the early 2000's and are looking to update them after the current drought.
- Water Needs Forecasts
 - WRC Staff at OWR is starting water needs forecasts for Nashua River Basin.
 - Outreach meeting is planned for mid-November (no date yet).
- Welcome to Viki Zoltay, new staff hydrologist at DCR (filling Linda Hutchins' position).
- General Discussion
 - Members discussed potential resources to help suppliers deal with lost revenue from drought. Ideas included emergency funding, legislative authority for suppliers to deficit spend (like for snow removal), web-based FAQs, economic impact analyses and surveys, advancing the pending updates to the Water Conservation Standards which include new rate structure recommendations, peer-to-peer workshops on rate-setting.

Agenda Item #2: Hydrologic Conditions Report

- Carroll provided update on the hydrologic conditions for Sept. 2016. Highlights included:
 - Rainfall: Indicators are well below normal. In the NE region, one indicator reached emergency level. There was good recent rainfall, but not enough to get out of drought.
 - Streamflow: Most regions are in 6-7 months of below-normal flow. Staff added new measures to account for the severity of the deficit. In the NE region, 6 gages had record low flow in Sept.
 - Groundwater: Indicators show a similar picture. The Cape and Islands are the only regions with some gages not below normal. The rest of the state has seen 6-7 months below normal. 5 gages in CT, 5 in NE, 3 in SE, 1 in Western show record lows for Sept.
 - Reservoirs: In several regions, reservoirs are still okay. Staff want to add more reservoirs in the CT and Western regions. The CT region is heavily influenced by Quabbin, which is very unique. In the Central and NE regions, most reservoirs are below normal with some more than two standard deviations below, approaching Warning level.
 - Drought Monitor: Our designations continue to align well with theirs. Staff are looking at whether this tool could be used even more in the future.

(The report is available at: <http://www.mass.gov/eea/agencies/dcr/water-res-protection/water-data-tracking/monthly-water-conditions.html>)

- Discussion on why Cape is faring somewhat better. Key points included that the Cape has a thick glacial deposit aquifer more resilient to drought due to storage. Also less recent rainfall deficit due to storm path. Septic returns also provide some support for groundwater, but

water supply represents less than 10% of hydrologic budget, and septic returns are not the main reason for Cape resilience to drought. While resilient, continued deficits will definitely lead to severe impacts in pond levels and water supply quality, already being felt in certain areas of the Cape, and any winter snowfall deficit likely to have major impacts.

- Rao related that at the Regional Drought Forum, a point was made that similar rainfall deficits in the 60's drought had less severe impacts on streamflow and groundwater, suggesting an inquiry into whether land use changes are reducing landscape level resilience to drought. Rao also suggested staff may want to explore using our data for rainfall trend analyses over time.

Agenda Item #3: Vote on the Minutes of September 2016

V O T E	A motion was made by Ken Weismantel with a second by Hotze Wijnja to approve the meeting minutes for September 8, 2016.
	The vote to approve was unanimous among those present, with one abstention.

Agenda Item #4: Advancing to Public Comment Proposed Revisions to Interbasin Transfer Act Regulations

Rao introduced the agenda item, reminding people the Interbasin Transfer Act (ITA) regulations have not been revised since they were promulgated in 1986. Today's proposed item for vote is the release of the draft regulations for public comment. *Presentation slides for this agenda item are available on the WRC website.*

Carroll reviewed the goals of the revision:

- Incorporate ITA policies adopted by the WRC over the years
- Incorporate 21st century water resources science
- Streamline procedures
- Clarify terms and improve organization of the regulations

Carroll also reviewed major categories of substantive change (covered in detail in prior meetings):

- Newly specified processes for wastewater transfers
- Updated Insignificance criteria (revised streamflow metrics; added lake/impoundment metrics)
- Added streamlined option for transfers $\leq 10,000$ gpd
- Added a regional water supply approval process
- Revised approach to Local Water Resources Planning requirements

Carroll reminded Commissioners that in addition to today's presentation, the redline-strikeout regulations, a memo describing the major changes more fully, and a walk-through guide of the specific changes are all part of the Commissioners' packet.

Lastly, Carroll described the timeline moving forward, if the WRC approves today's motion. The public comment period would run from early November to late December. Two public hearings would be held in early December. Response to comments would begin in early 2017, after which the WRC would again review and vote, there would be another internal administrative review, and then final promulgation. Rao stated that in addition to public hearings and comment period,

staff would be happy to meet with individual Commissioners to go over content and discuss comments or concerns.

General Discussion:

- Confirmation that the draft regulations document is unchanged from previous month.
- Discussion on whether the WRC vote on the regulations after public comments should occur before or after administrative review. Since the ITA regulations are implemented by the WRC but issued by EEA, staff will work with legal counsel to determine the best order of review to make sure both entities are comfortable with the final product. The WRC will also be included at critical junctures of content deliberations resulting from public comments.
- The question was revisited of whether the regulations imply that Commission members, themselves, need to be present at public hearings, rather than staff, as is practice. Point was raised that there were no deliberations at public hearings, so a member quorum was not required. A suggestion was made to define Commission as including staff acting on behalf of the Commission. There was general agreement that this issue could be further thought about, with legal consultation, after today's vote.
- Further details on the public hearings for the regulations were provided, including the intention to hold one in Western Mass and one in Eastern Mass. Suggestion to coordinate the Eastern Mass hearing with the WRC meeting. Also suggestion to consider hosting both meetings outside Boston, as few ITA requests involve the Boston area.

V O T E	<p>A motion was made by Balzotti with a second by Fine to approve releasing the revised Interbasin Transfer Act regulations 313 CMR 4.0 for public hearings and public comment.</p> <p>The vote was approved unanimously among those present, by roll-call vote.</p>
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Agenda Item #5: Town of Foxborough's Revised Hydrologic and Vegetative Monitoring Plan for the Witch Pond Swamp Wells

Drury provided the history of this transfer and the details of today's proposal, as follows:

- In 2001 the WRC approved an Interbasin Transfer for Foxborough for two wells located in the Witch Pond Swamp, in the Ten Mile River basin. The withdrawals were jurisdictional because Foxborough discharges its wastewater in Norton in the Taunton River basin.
- The wells are in a complicated hydrologic system with surface water, wetlands, peat, swamp and rare and endangered species. The original analysis for the approval relied on a groundwater model of that complex system, which required monitoring to verify the model was correct. Using an adaptive management approach, the approval stipulated if the hydrology were shown to be other than as predicted, the approval conditions, including the monitoring requirements, could be revisited.
- In 2012, monitoring showed an unanticipated impact to the peat layer, leading to additional shut-off thresholds. Additionally, vegetation was shifting from moisture dependent species to more dry tolerant species, concerning botanists and leading to changes in Foxborough's wetland monitoring plan. Finally, last year staff saw that a created wetland in which one of the monitoring points was located was not functioning as an Atlantic White Cedar wetland, and the monitoring point, therefore, was not providing useful information and was discontinued.

- At this point, staff would like to bring all this history into one complete record for future understanding and tracking the project. Specifically, they are proposing to replace the 2007 monitoring plan with a 2016 monitoring plan that includes all the updates.

Discussion:

- Drury was asked and confirmed that Foxborough wrote the replacement plan and is on board with it. Additionally, all the cooperating agencies are in agreement with the plan.
- Matthews commended staff for their sustained commitment working with the communities on transfers involving this complicated area.

V O T E	A motion was made by Matthews with a second by Jack to approve the revised Foxborough Witch Pond wells hydrologic and wetlands monitoring plans, dated July 29, 2016 to replace the original monitoring plans, dated March 2007. The vote was approved unanimously among those present.
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Meeting was adjourned at 2:10 p.m.

Documents or Exhibits Used at Meeting:

1. WRC Meeting Minutes for September 8, 2016
2. Revised Interbasin Transfer Act Regulations (313 CMR 4.00):
 - a. Memorandum dated September 8, 2016, from Water Resources Commission staff regarding Interbasin Transfer Act Regulations (313 CMR 4.00) Revisions
 - b. Review Guide to 2016 Proposed Changes to Interbasin Transfer Act Regulations: 313 CMR 4.00
 - c. Redline version
 - d. Clean copy
3. Staff Recommendation, dated October 13, 2016, to Approve the Revised Foxborough Witch Pond Swamp Hydrologic and Vegetative Monitoring Plan
4. Drought Management Task Force meeting agenda, October 5, 2016
5. Public Notice dated September 30, 2016: Schedule for Preparation of Water Needs Forecasts for Public Water Suppliers with Water Management Act Permits in the Nashua River Basin
6. Interbasin Transfer Act project status report, September 29, 2016

Compiled by: SC

Agendas and minutes are available on the web site of the Water Resources Commission at www.mass.gov/eea/wrc under "MA Water Resources Commission Meetings." All other meeting documents are available by request to WRC staff at 251 Causeway Street, 8th floor, Boston, MA 02114.